IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE SIXTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION No. 22377 of 2004

Between:

Nagipogu Suseela, W/o.Anjaiah,
R/o.Vydena Village, Ballikurava Mandal,
Prakasam District. ..... PETITIONER

AND

1 The District Collector, Ongole, Prakasam District.
2 District Panchayat officer, Ongole, Prakasam Dist.
3 M.Anjaneyulu, S/o.Subbaiah, Upa Sarpanch,
Vydena Village, Ballikuruva Mandal, Prakasam District.
4 Eluri Srinivasa Rao, S/o.Venkateswarlu, Member-Ward No.3,
Vydena Village, Ballikurava Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of writ of Certiorari calling for the records relating to and in connection with the proceedings dated 14-10-2004 vide Proc. Roc.No.3561/2003 (Pts) A1 passed by the 1st respondent and quash the same.

Counsel for the Petitioner : Mr.RAMA RAO GANTA

Counsel for Respondents 1 & 2: G.P. FOR PANCHAYAT RAJ & RURAL DEV.

The Court made the following :

ORDER:

Aggrieved by the proceedings of the first respondent dated 14.10.2004 in placing the petitioner under suspension for a period of three months, the present writ petition is filed.

The petitioner stated to be elected as Sarpanch of Vydena Gram Panchayat. By the impugned proceedings dated 14.10.2004, the first respondent in exercise of the powers conferred under Section 249(6) of the A.P. Panchayat Raj Act, 1994, suspended the petitioner from the office of Sarpanch of Vydena Gram Panchayat for a period of three months on certain irregularities said to have been committed by her and also for misappropriation of Gram Panchayat funds.

Heard the learned counsel for petitioner and the learned Government Pleader for Panchayat Raj.

Having regard to the facts and circumstances of the case, since the petitioner is having alternative remedy of filing revision against the impugned orders before the Government under Section 264 of the A.P. Panchayat Raj Act, 1994 for correctness or otherwise of the impugned order passed by the first respondent with regard to any mis-utilization of funds by the petitioner, which can be gone into only by the revisional authority, no findings are required to be made in this regard.

The writ petition is accordingly disposed of permitting the petitioner to avail the remedy of filing revision under Section 264 of the A.P. Panchayat Raj Act, 1994 before the Government against the impugned order dated 14.10.2004 passed by the first respondent within six weeks
from today and can seek necessary orders. On filing of such revision, the revisional authority-Government is directed to consider the same in accordance with law. Till such time, there shall be stay of all further proceedings pursuant to impugned order dated 14.10.2004. No costs.

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N.V.RAMANA, J

Date: 6.12.2004

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To

1 The District Collector, Ongole, Prakasam District.
2 The District Panchayat officer, Ongole, Prakasam Dist.

3 Two CCs to the G.P. for Panchayat Raj and Rural Development, High

Court Buildings, Hyderabad (OUT).

4 Two CD copies.